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REMARKS

Reconsideration of the application is respectfully requested.

I. Status of the Claims

Claims 3 and 5 were previously canceled.

Claim 18 is canceled without prejudice or disclaimer of the subject matter therein.

Claims 20-22 are added without the introduction of new matter.

Claims 1 and 6 are amended without the introduction of new matter.

Claims 1, 2, 4, 6-17 and 19-22 are currently pending.

II. Status of the Office Action

Applicants added claims 17-19 in the previous response dated July 24, 2006. Applicants note that the Examiner has not presented rejections to these claims and did not acknowledge their entry into the present application anywhere in the Office Action, including the Office Action Summary Sheet (PTOL-326). Applicants note that pursuant to at least MPEP § 707.07(i) each claim must be addressed and its rejection put forth by the Examiner. Claim 17-19 were not addressed in the present Office Action. Further, Applicants note that the Examiner still presents rejections to claim 3, although claim 3 was canceled in the response filed July 24, 2006. Applicants request that the Finality of the present Office Action be reversed and a new Action issued addressing all present claims.

Additionally, in the interest of furthering prosecution, and in good faith, Applicants put forth the present amendments and arguments for the Examiner's consideration in issuing a new, corrected, Office Action addressing all claims.

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III. Rejections under 35 U.S.C. §102

Claims 1, 2 and 6-11 were rejected under 35 U.S.C. §102(e) as anticipated by McFall et al.

(U.S. Patent No. 6,183,587, herein "McFall"). Applicants respectfully traverse the rejection.

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Claim 1 is directed to an interlabial pad and amended to incorporate features of previously

presented claim 18. Amended claim 1 recites:

wherein said first flat area and said first protruding area satisfy Formulas (1) to (3)

shown below: ... 1 / 3 \leq W₁ / W₂ \leq 5 / 6 (2) [where] ... W₁ is the apparent

maximum width of the protruded first protruding area, W_2 is the apparent maximum

width of the first flat area.

The Examiner contends that "the only difference between the prior art and the claims was a

recitation of relative dimensions of the claimed device and a device having the claimed relative

dimensions would not perform differently than the prior art device, the claimed device was not

patentably distinct from the prior art device." However, the formulas recited in claim 1 define the

difference in dimension or proportion and, contrary to the contentions of the Examiner, those

differences change the performance of the present invention in relation to the prior art.

One of ordinary skill in the art can appreciate that the changes in the relative widths of both

the protruded area and the flat area can have a drastic difference in performance. The Specification,

page 5, line 27 to page 6, line 10, outlines some performance elements if the dimensional elements

are not met. Performance decreases from increased discomfort and/or leakage of menstrual blood

can occur if the relative dimensions of at least formula (2) are not met.

¹ See, Office Action dated October 18, 2006, pages 4-5.

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Regarding claim 6, the Examiner contends that, in McFall Fig. 2, base pad 24 corresponds to the flat area and absorbent core 74 corresponds to the back sheet of the present invention. Applicants respectfully submit that by this interpretation, body surface 20A does not correspond to the second flat area of the present invention. If 20A is interpreted as the second protruding area, McFall does not disclose the second flat area affixed to and overlapped by the first flat area of the absorbent body. If a second flat area is not disclosed by McFall, a second protruding area cannot continuously extend from the second flat area. To clarify this point, Applicants amended claim 6

Thus, McFall does not disclose or suggest all of the elements of claims 1 and 6. Further, claims 2 and 7-11 depend from claims 1 or 6 and are allowable based at least on the arguments above. Applicants respectfully request that the rejection be withdrawn.

IV. Rejections under 35 U.S.C. §103

and added a new claim 22 dependent on claim 6.

Claims 1-4 and 10-13 were rejected under 35 U.S.C. §103(a) as unpatentable over Johnson et al. (U.S. Patent No. 4,595,392, herein "Johnson") in view of the Examiner statement of ordinary skill in the art. Further, claims 14-16 were rejected under 35 U.S.C. §103(a) as unpatentable over Johnson in view of Farris et al. (U.S. Patent No. 6,131,736, herein "Farris"). Applicants note that the rejection of claim 3 is most because claim 3 was previously canceled as noted above. Applicants respectfully traverse the rejection of claims 1, 2, 4 and 10-13.

Claim 1 has been amended to recite that "the first protruding area of the absorbent body has a largest width at a portion closest to said first flat area of the absorbent body."

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In contrast, Johnson, Fig. 2 and column 2, lines 36-41, discloses that the protruded area (i.e.,

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the raised cylindroidal centrally disposed portion 3) slopes inward to be "folded along fold line 2

with the inwardly folded faces secured to each other by adhesive securement dots 4 or similar

securement means." The inward slope of the protruded area forms a narrowing of the protruded

area and does not have a widest portion closest to the flat area. There are no teachings or suggestion

to motivate one of ordinary skill in the art to modify the shape of the interlabial pad in Johnson to

the shape as recited in amended claim 1.

Additionally, as discussed above, the formulas recited in claim 1 do define a change the

performance of the present invention in relation to the prior art.

Therefore, the present invention recited in amended claim 1 is patentably distinguishable

over Johnson.

Claim 4 was previously amended to clarify subject matter recited. Claim 4 recites that the

interlabial pad includes a water permeable inner sheet, that the inner sheet is provided on the

garment side surface of the first absorbent body formed in a folded shape, and that the inner sheet

and the surface side sheet are bonded so as to enclose the first absorbent body between the inner

sheet and the surface side sheet. The inner sheet is shown, for example, in Fig. 4(c), referred as 58.

In contrast, Johnson does not teach or suggest the interlabial pad having an inner sheet.

Figures 2 and 3 do not illustrate an inner sheet. Further, one of ordinary skill in the art is aware that

the raised cylindroidal centrally disposed portion 3 could not be formed if an inner sheet was

present. The inner sheet will exert a force to return the raised pad to a flat state and since the top

sheet and the absorbent core are secured by adhesive securement dots 4 at the bottom of the

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centrally disposed portion 3, secure adhesion would be prevented if an inner sheet were added.

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Thus, one of ordinary skill in the art would not be motivated to modify the invention of Johnson to

add an inner sheet. Therefore, the present invention recited in amended claim 4 is further

distinguishable over Johnson.

Thus, Johnson does not teach or suggest all the elements of claim 1. Accordingly,

Applicants respectfully request the withdrawal of the rejection of claim 1 and claims 2, 4 and 10-13,

dependent therefrom, based on Johnson.

Further, Farris does not teach or suggest any of the elements lacking from Johnson and

present in the claims. Thus, claims 14-17, and 19 and new claims 20-22 are allowable at least for

the reasons advanced for amended claim 1.

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CONCLUSION

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue.

The Examiner is respectfully requested to contact the undersigned at the telephone number indicated below if the Examiner believes any issue can be resolved through either a Supplemental Response or an Examiner's Amendment.

Dated: January 17, 2007

Respectfully submitted,

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